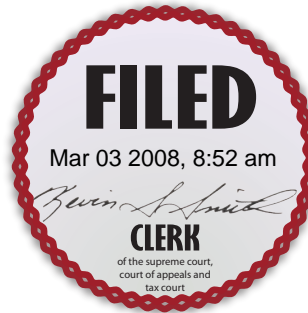


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

JAMES A. SHOAF
Columbus, Indiana

ATTORNEYS FOR APPELLEE:

STEPHEN R. CARTER
Attorney General of Indiana
Indianapolis, Indiana

IAN MCLEAN
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

AARON WILLIAMS,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 03A04-0708-CR-429
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE BARTHOLOMEW SUPERIOR COURT
The Honorable Chris D. Monroe, Judge
Cause No. 03D01-0305-FD-801
03D01-0612-FD-2221

MARCH 3, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARTEAU, Senior Judge

Aaron Williams appeals the sentence imposed following his conviction for theft as a class C felony in cause number 2221 and the revocation of his probation in cause number 801. We affirm.

The sole issue for our review is whether the trial court failed to grant Williams the home detention credit to which he was entitled.

In 2003, Williams pleaded guilty to theft as a class D felony in cause 801. He was sentenced to a three-year suspended sentence, which was ordered to run consecutively to sentences imposed in 2002 in cause 342. The Department of Correction released Williams on cause 342 on April 9, 2006, and his probationary period in cause 801 began.

In November 2006, Williams committed a theft that was charged under cause 2221, and in December, the State filed a petition to revoke his probation in cause 801. In May 2007, Williams pleaded guilty to theft in cause 2221. He also admitted the probation violation in cause 801. The trial court set sentencing for June 2007. In preparation for the sentencing hearing, the probation department submitted a pre-sentence report for Williams' conviction in cause 2221. The report indicated that Williams should be given credit for 51 days of incarceration, including the time between February 19, 2007 and April 9, 2007. When the trial court asked Williams about the accuracy of the pre-sentence report, Williams' counsel claimed Williams was entitled to additional credit for the time he was on home detention. Specifically, Williams' counsel explained as follows to the trial court: "He was placed on electronic monitoring about April fourth of oh, six, until late August of oh, six. So he believes that there is some credit time that he

would be allowed Somewhere in April, oh, six, through August oh, six” Appellant’s Appendix at 72. However, Williams did not present any documentation of the actual time served on home detention.

The trial court told counsel it would ask the probation department about the home detention claim and include the home detention credit in the sentencing order. Williams did not object to this procedure. Also at the sentencing hearing, the State told the court that it did not plan to charge Williams for a new offense that he had committed.

The trial court subsequently issued an order awarding Williams credit for 28 days served on home detention from July 27, 2006 through August 23, 2006. The court also revoked one year of Williams’ cause 801 sentence and sentenced him to three years for the conviction in cause 2221, with one year executed. The court further ordered the two sentences to run consecutively, for a total executed sentence of two years. Williams appeals.

The sole issue for our review is whether the trial court “arbitrarily disallowed home detention that Williams testified to” Appellant’s Brief at 5. This court has previously explained that it is the appellant’s duty to present an adequate record to clearly show the alleged error. *Brattain v. State*, 777 N.E.2d 774, 776 (Ind. Ct. App. 2002). Where he fails to do so, the issue is deemed waived. *Id.* We have previously held that a defendant may waive a claim of entitlement to credit for time served by failing to present us with sufficient information to determine the issue. *Id.* Here, Williams has failed to present any documentation to the trial court that he was entitled to credit for time served. *Id.* Likewise, he failed to present an adequate record showing that the trial court’s award

of credit time was erroneous. *Id.* Thus, he failed to meet his burden of demonstrating that the trial court abused its discretion by denying his request for credit time served. *See id.*, (holding that Brattain did not meet his burden of demonstrating that the trial court erred by denying his request for credit time where there was no evidence in the record of Brattain's time on house arrest).¹

Affirmed.

SHARPNACK, J., and MAY, J., concur.

¹ Williams also argues that his sentence is erroneous because the trial court relied on the State's statement at the sentencing hearing that it would not file additional charges against Williams for an unrelated offense. The State apparently did file charges for this offense in July 2007, and then dropped the charges in August 2007. However, our review of the transcript of the sentencing hearing and other supporting documents reveals no evidence to support Williams' argument that the trial court relied on this statement. Williams' argument therefore fails.